REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 3, 2005 ("Office Action"). At the time of the Office Action, Claims 1 - 23 were pending in the application. In the Office Action, the Examiner rejects Claims 1 - 23. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1, 3-4, 6-8, 10-11, 13-15, 17-18, and 20-22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2002/0012329 of Atkinson et al. ("*Atkinson*"). Applicants respectfully request reconsideration and allowance of Claims 1, 3-4, 6-8, 10-11, 13-15, 17-18, and 20-22.

Atkinson fails to teach, suggest, or disclose several aspects of Claim 1. First, *Atkinson* does not teach, suggest, or disclose a "system controller" or an "interface device, coupled to a plurality of telephony resources" as recited, in part, in Claim 1. Second, *Atkinson* does not teach, suggest, or disclose an interface device operable to "activate the new protocol stack software for new connections, the existing protocol stack software continuing to process all events associated with connections initiated before the new protocol stack software was activated" as recited, in part, in Claim 1. Third, *Atkinson* fails to teach, suggest, or disclose an interface device operable to activate new protocol stack software and remove existing protocol stack software with "services provided to the telephony resources being substantially uninterrupted by the modification" as recited, in part, in Claim 1.

First, *Atkinson* fails to teach, suggest, or disclose a "system controller" or an "interface device, coupled to a plurality of telephony resources" as recited, in part, in Claim 1. Notably, the Examiner fails to identify which component of *Atkinson* he equates with the "system controller" and which component he equates with the "interface device" recited in Claim 1. *Atkinson* describes an *ad hoc* piconet of Bluetooth devices. (*Atkinson*; p. 1, ¶ 7). The portion of *Atkinson* cited by the Examiner describes the downloading of communications software to a "first device." (*Atkinson*; p. 3, ¶ 23). The Examiner fails to indicate whether he equates the "first device" of *Atkinson* with the "system controller" or with the "interface device." Applicants respectfully remind the Examiner that "[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part

relied on must be designated as nearly as practicable." 37 C.F.R. § 1.104(c)(2). The Examiner's conclusory statements regarding the purported teachings of *Atkinson* do not comply with the requirements of 37 C.F.R. § 1.104(c)(2). Accordingly, *Atkinson* does not support the rejection.

Even if the "first device" of *Atkinson* is equated with the "interface device" of Claim 1, *Atkinson* fails to teach, suggest, or disclose an "interface device, *coupled to a plurality of telephony resources*" as recited, in part, in Claim 1. (Emphasis added). The portion of *Atkinson* cited by the Examiner describes a method for downloading communications software to a wireless device. (*Atkinson*; p. 3, ¶ 23). In particular, *Atkinson* describes a printer that downloads a "print profile" to a wireless device. (*Atkinson*; p. 12, ¶ 102). *Atkinson*, however, does not teach, suggest, or disclose that either the printer or the wireless device is "coupled to a plurality of telephony resources" as recited, in part, in Claim 1. Because *Atkinson* fails to teach, suggest, or disclose this aspect of Claim 1, *Atkinson* does not support the rejection.

Atkinson also fails to teach, suggest, or disclose an interface device operable to "activate the new protocol stack software for new connections, the existing protocol stack software continuing to process all events associated with connections initiated before the new protocol stack software was activated" as recited, in part, in Claim 1. The portion of *Atkinson* cited by the Examiner describes a method for loading "at least one new software component into the runtime environment" of a wireless device. (*Atkinson*; p. 4, ¶ 35). *Atkinson* specifically states that "the core modules responsible for creating connections and that enable data exchange might not be upgradeable on the fly without disrupting the runtime environment of an application or a processor." (*Atkinson*; p. 7, ¶ 61). As a result, *Atkinson* requires a "restart/reboot" of the wireless device in order to activate new software for connections. (*Atkinson*; p. 7, ¶ 61). A "restart/reboot" necessarily involves interruption of services. Because of the "restart/reboot," the existing protocol stack software of the device in *Atkinson* is unable to *continue* processing all events associated with connections initiated before activation of the new software. Therefore, *Atkinson* fails to teach, suggest, or disclose an interface device operable to "activate the new protocol stack software for new connections, the existing protocol stack software *continuing* to process all events associated with connections initiated before the new protocol stack software was activated" as recited, in

part, in Claim 1. (Emphasis added). Because *Atkinson* fails to teach, suggest, or disclose this aspect of Claim 1, *Atkinson* does not support the rejection.

In addition, *Atkinson* fails to teach, suggest, or disclose an interface device operable to activate new protocol stack software and remove existing protocol stack software with "services provided to the telephony resources being substantially uninterrupted by the modification" as recited, in part, in Claim 1. In rejecting Claim 1, the Examiner cites a portion of *Atkinson* that describes a method for loading "at least one new software component into the runtime environment" of a wireless device. (*Atkinson*, p. 4, ¶ 35). *Atkinson*, however, does not teach, suggest, or disclose activation of new protocol stack software without causing a disruption of connections. In particular, *Atkinson* states that "the core modules responsible for creating connections and that enable data exchange might not be upgradeable on the fly without disrupting the runtime environment of an application or a processor." (*Atkinson*; p. 7, ¶ 61). Accordingly, to activate new software for connections, *Atkinson* requires a "restart/reboot" of the wireless device. (*Atkinson*; p. 7, ¶ 61). A "restart/reboot" necessarily involves interruption of services. Thus, *Atkinson* fails to teach, suggest, or disclose activation of new protocol stack software and removal of existing protocol stack software with "services provided to the telephony resources being substantially uninterrupted by the modification" as recited, in part, in Claim 1. Because *Atkinson* fails to teach, suggest, or disclose this aspect or Claim 1, *Atkinson* does not support the rejection. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 1.

In rejecting independent Claims 8, 15, and 22, the Examiner employs the same rationale used to reject Claim 1. Accordingly, for at least the reasons stated with respect to Claim 1, Applicants respectfully request reconsideration and allowance of Claims 8, 15, and 22.

Claims 3-4, 6-7, 10-11, 13-14, 17-18, and 20-21 depend from independent claims shown above to be allowable. In addition, Claims 3-4, 6-7, 10-11, 13-14, 17-18, and 20-21 recite further elements not taught, suggested, or disclosed by *Atkinson*. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 3-4, 6-7, 10-11, 13-14, 17-18, and 20-21.

Section 103 Rejections

The Examiner rejects Claims 2, 9, and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Atkinson* in view of U.S. Patent Application No. 2004/0221170 of Colvin ("*Colvin*"). Applicants respectfully request reconsideration and allowance of Claims 2, 9, and 16.

The *Atkinson-Colvin* combination does not establish *prima facie* obviousness for at least two reasons. First, the combined references do not teach, suggest, or disclose a "functionality identification key" as recited, in part, in Claim 2. Second, the *Atkinson-Colvin* combination is improper because the proposed combination would render *Atkinson* unsatisfactory for its intended purpose.

First, the Examiner relies on *Colvin* for the "functionality identification key" recited in Claim 2. There is nothing, however, in *Colvin* that teaches, suggests, or discloses this aspect of Claim 2. *Colvin* describes the use of "activation keys" to verify that a software user has a software license. (*Colvin*; p. 2, ¶ 18). In particular, *Colvin* requires the user to input an activation key in order to use software. (*Colvin*; p. 2, ¶ 19). The activation key corresponds to the customer's name and the serial number of a given copy of the software. (*Colvin*, p. 4, ¶ 47; p. 6, ¶ 62). Thus, the activation key in *Colvin* identifies the customer and serial number of the software, not the *functions* performed by the software. There is simply nothing in *Colvin* that teaches, suggests, or discloses "functionality identification" or a "functionality identification key" as recited, in part, in Claim 1. Because *Colvin* fails to teach, suggest, or disclose this aspect of Claim 2, the *Atkinson-Colvin* combination does not support the rejection.

Second, the *Atkinson-Colvin* combination is improper because it would render *Atkinson* unsatisfactory for its intended purpose. If a "proposed modification would render the prior invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP § 2143.01. *Atkinson* describes a method for downloading communications software to a wireless device. (*Atkinson*; p. 2, ¶ 19). An intended purpose of *Atkinson* is to download communications software "to enable personal networking between a variety of systems and/or devices that utilize Java or Java-like languages." (*Atkinson*; p. 2, ¶ 19). In contrast, *Colvin* describes the use of passwords to block the unauthorized use of software. (*Colvin*; p. 2, ¶ 18). According to *Colvin*, once a user inputs a valid password, the user receives a license file. (*Colvin*; p. 4,

¶¶ 52-54). The license file contains password and registration information, not communications software for personal networking. (*Colvin*; p. 4, ¶¶ 52-54). Modifying *Atkinson* in view of *Colvin* would result in a wireless device that attempts to enable personal networking by downloading a license file rather than communications software. Because a license file does not contain software instructions for personal networking, the proposed modification would not enable personal networking between wireless devices -- an intended purpose of *Atkinson*. Thus, modifying *Atkinson* according to the teachings of *Colvin* would render *Atkinson* unsatisfactory for its intended purpose. Accordingly, Applicants respectfully request that the Examiner withdraw the *Atkinson-Colvin* combination as improper. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 2.

In rejecting Claims 9 and 16, the Examiner employs the same rationale asserted with respect to Claim 2. Therefore, for at least the reasons stated with respect to Claim 2, Applicants respectfully request reconsideration and allowance of Claims 9 and 16.

The Examiner rejects Claims 5, 12, and 19 as being unpatentable over *Atkinson* in view of U.S. Patent No. 6,658,090 issued to Harjunen et al. ("*Harjunen*"). Applicants respectfully request reconsideration of Claims 5, 12, and 19. These claims depend from independent claims shown above to be allowable. In addition, Claims 5, 12, and 19 recite further elements not taught, suggested, or disclosed by the *Atkinson-Harjunen* combination. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 5, 12, and 19.

The Examiner rejects Claim 23 as being unpatentable over *Atkinson* in view of *Colvin* and further in view of *Harjunen*. Applicants respectfully request reconsideration and allowance of Claim 23. In rejecting Claim 23, the Examiner employs the same rationale used with respect to Claims 1-2, 5, 8-9, 12, and 15-16, shown above to be allowable. For at least the reasons stated with respect to Claims 1-2, 5, 8-9, 12, and 15-16, Applicants respectfully request reconsideration and allowance of Claim 23.

CONCLUSION

For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Samir Bhavsar, Attorney for Applicants, at the Examiner's convenience at (214) 953-6581.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

Samir Bhavsar
Reg. No. 41,617

Date: _August 3_____, 2005

CORRESPONDENCE ADDRESS:

at Customer No.   05073